

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 48627 of 2021 (O&M)
Date of Decision: 29.3.2022

Shilpi Sareen and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Pardeep Chhoker, Advocate for
Mr. Namit Khurana, Advocate
for the petitioners.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

Mr. Mayank Dev Singh, Advocate for
Mr. Sehaj Sandhawalia, Advocate
for respondents No. 2 to 4.

SURESHWAR THAKUR, J. (ORAL)

CRM-9964-2022

1. The present application has been filed for preponing the date of hearing of main case.

2. For the reasons recorded in the application, the application is allowed. The main case is preponed, and, is taken up on board for hearing today.

CRM-M-48627-2021

1. Through the instant petition, filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 27 dated 3.2.2021 registered at Police Station City Pehowa, constituting therein offences, under Sections

proceedings arising therefrom, hence on the basis of compromise (Annexure P-2), arrived at between the parties.

2. The learned counsel for the petitioners as well as the learned counsel for respondents No. 2 to 4 have stated at the bar, that all concerned have signed the compromise deed.

3. It is stated at the bar, by the learned State counsel, that in the FIR (supra), the offences constituted under Sections 452, and, 380 IPC have been deleted, and, the remaining offences constituted under Sections 323, 406, 504, and, 506/34 IPC are compoundable. He further submits, that the report under Section 173 Cr.P.C., has been submitted before the learned Magistrate concerned but the charges have yet not been framed.

4. When the instant petition came up before this Court on 23.11.2021, an order was made upon the learned Magistrate concerned, to make a report to this Court, with respect to the genuineness of the compromise, as also whether after completion of investigation, report under Section 173 Cr.P.C. has been filed, and, as also whether charge has been drawn against the accused, and, that whether the prosecution evidence has commenced.

5. The afore made order by this Court on 23.11.2021, has been complied with by the learned Magistrate concerned, and, the elicited report has been placed on record. A perusal of the report, transmitted to this Court, by the learned Magistrate concerned, reveals that the settlement/compromise, arrived at *inter se* the petitioners, and, respondents No. 2 to 4, is a sequel of both, being *ad idem* qua it, besides the compromise/settlement being a sequel of no pressure or coercion, being exercised upon each other. Therefore, the learned Magistrate has reported

that the settlement/compromise, depended upon by the petitioners, for seeking quashing of the FIR (supra), is both voluntary, and, genuine.

6. Since, the offence(s) carried in the FIR (supra), are compoundable, and, also when a valid compromise has been entered into, inter se, the accused petitioners, and, the respondent(s)-complainant, besides when the learned State Counsel has stated that the challan has been filed but the charges are yet to be framed. Therefore, this Court deems it fit to allow the petition.

7. Consequently, the present petition is allowed, and, the FIR (supra), and, also all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SURESHWAR THAKUR)
JUDGE

March 29, 2022
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No